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EXAMINER

ROSWELL, MICHAEL

ART UNIT

PAPER NUMBER

2173

DATE MAILED: 05/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/822,855

Applicant(s)

HOLTZ ET AL.

Examiner

Michael Roswell

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1, 2, 11 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Trumbull et al (US Patent 5,795,228), hereinafter Trumbull.

Regarding claims 1, 11 and 13, Trumbull teaches a method, system and computer program product for producing a show in a production environment having at least one processing unit in communication with a plurality of production devices, where the method, system and computer program receives a show rundown comprising a plurality of story files (taught as the creation of a show template that includes news video clips and other files, at col. 13, lines 50-58), and converting the show rundown into broadcast instructions (taught as the use of an Editing system [col. 13, lines 19-21] for controlling the Giant Display Assembly, Audio Assembly and Lighting Assembly [col. 14, lines 1-8], used for creating a show by way of "show control signals", at col. 6, lines 43-46). Trumbull teaches transmitting commands to control a plurality of production devices, such as a camera, robotic pan/tilt head, audio mixer device, graphics device (see col. 6, lines 46-52, col. 7, lines 49-56, and col. 8, lines 1-10), teleprompting means (col. 11, lines 15-19) and a special effects device (col. 12, lines 1-6). Furthermore, Trumbull allows for the production of such a show live, in real time, for at least one of transmission and recording, as the user is allowed to interactively choose the outcome of the

program they are watching through scene-selecting means, which therefore produces the show live and in real time, as the user makes decisions. See Trumbull, col. 1, lines 39-51.

Regarding claim 2, Trumbull teaches receiving at least one story file that includes a script or graphic effects, taught as the use of content taken from news video clips, game shows, or talk shows, at col. 13, lines 55-58. Trumbull further teaches transmitting at least one command to a teleprompting means to display a script (col. 11, lines 15-19) and integrating graphic effects with video associated with at least one story file, at col. 7, lines 3-7.

***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 3-6, 8, 12 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Trumbull and Kenny (US Patent 6,437,802).

Regarding claims 3, 12 and 14, Trumbull has been shown to teach receiving a show rundown comprising story files, and converting the show rundown into broadcast instructions for controlling show production devices.

Trumbull fails to explicitly teach monitoring inter-file activity and synchronizing the show rundown with the broadcast instructions.

Kenny teaches a throttler for rapid start-up for use with broadcast automation systems, such as that of Trumbull. Furthermore, Kenny teaches monitoring inter-file activity, taught as the use of a "Drain" process to deliver commands to the broadcast automation system and update the playlist and priority queue, at col. 4, lines 10-12. Furthermore, as the Drain process

updates the playlist (which is analogous to the claimed "show rundown"), the broadcast instructions must be inherently updated in turn for the playlist changes to take place, taught as adding of new commands and updating of the priority queue by the Drain process, at col. 4, lines 10-12.

Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of Trumbull and Kenny before him at the time the invention was made to modify the broadcast automation system of Trumbull with the inter-file monitoring and modification of Kenny in order to obtain a broadcast automation system capable of updating a playlist and broadcast instructions "on the fly".

One would be motivated to make such a combination for the advantage of early execution of a playlist, execution of the playlist before its completion, and the use of a "live" operator interface. See Kenny, col. 1, lines 44-61.

Regarding claim 4, Kenny teaches polling the show rundown to detect inter-file modifications, including changes within the story files or the addition or deletion of story files to the show rundown, taught as the editing and updating of a playlist by Fill and Drain processes, at col. 4, lines 6-21.

Regarding claim 5, the broadcast instructions of Kenny must be inherently updated in order for the playlist changes to take place, taught as adding of new commands and updating of the priority queue by the Drain process, at col. 4, lines 10-12.

Regarding claim 6, Kenny teaches updating a queue of unexecuted events, at col. 4, lines 33-43.

Regarding claim 8, Kenny teaches updating broadcast instructions in real time, including changes within the story files or the addition or deletion of story files to the show rundown, taught as the editing and updating of a playlist by Fill and Drain processes, at col. 4, lines 6-21.

Claims 7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Trumbull, Kenny and Tao (US Patent 6,441,832).

Trumbull and Kenny have been shown to teach a broadcast automation system capable of detecting inter-file modifications, implementing synchronization between a show rundown and broadcast instructions, and updating only an unexecuted portion of broadcast instructions.

Trumbull and Kenny fail to explicitly teach adjusting the unexecuted broadcast instructions such that a total execution time for the broadcast instructions does not exceed a predetermined time.

Tao teaches a processing apparatus and method for producing, modifying or deleting video and audio data. Furthermore, Tao teaches adjusting the unexecuted broadcast instructions such that a total execution time for the broadcast instructions does not exceed a predetermined time, taught as the use of a "Browse" function for outputting a selected, unexecuted playlist for a predetermined period of time, at col. 12, lines 15-17.

Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of Trumbull, Kenny, and Tao before him at the time the invention was made to modify the broadcast automation system of Trumbull and Kenny to include the playlist duration specification of Tao, in order to obtain a broadcast automation system capable of playing a selected show for a specified amount of time.

One would be motivated to make such a combination for the obvious advantage of outputting a show or playlist within a constrained time period.

Regarding claim 9, Tao discloses the ability to create several playlist files, while retaining the ability to edit each one in real time (cols. 15-16, lines 60-67, 1).

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Trumbull, Tao, and Washino (US Patent 5,450,140).

Trumbull and Tao have been shown to teach a broadcast automation system utilizing a broadcast instruction time sheet (see Tao, Fig. 13), and with the ability to create several playlist files, while retaining the ability to edit each one in real time.

However, Trumbull and Tao fail to explicitly teach populating the broadcast instruction time sheet with icons capable of executing broadcast instructions when activated.

Washino teaches a video production system capable of integrating various production devices (see col. 1, lines 50-57), such as those used by Trumbull and Tao. Furthermore, Washino teaches the use of control-related icons that allow a user to control individual cameras (see col. 2, lines 10-15).

Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of Trumbull, Tao, and Washino before him at the time the invention was made to modify the broadcast automation time sheet of Trumbull and Tao to include the control icons of Washino in order to obtain a broadcast instruction sheet capable of giving control of a production device to a user through activation of a control icon.

One would be motivated to make such a combination for the obvious advantage of allowing a user control a production device through simple selection means.

### ***Response to Arguments***

Applicant's arguments filed 14 February 2005 have been fully considered but they are not persuasive.

In response to applicant's argument, corresponding to claims 1, 11, and 13, that Trumbull fails to teach producing a show live in real time for at least one of transmission and recording, the Examiner respectfully disagrees. Trumbull has been shown *supra* to teach a method allowing a user to interactively select the next scene in a film transmission, and as such produces a show live and in real time. See Trumbull, col. 1, lines 39-51.

In response to applicant's argument, corresponding to claim 7, that Tao fails to teach adjusting unexecuted broadcast instructions so that the total broadcast time does not exceed a predetermined time, the Examiner respectfully disagrees. Tao has been shown *supra* to teach outputting a broadcast play list for a predetermined period of time. Tao further allows for time reduction through the deletion of playlist items, at col. 15, lines 7-13. As claimed, all broadcast instructions need not be executed, a feature relied upon in the arguments of page 9, lines 1-9. Therefore, the Examiner upholds the rejection of claim 7 in view of Trumbull, Kenny and Tao.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period



will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Roswell whose telephone number is (571) 272-4055. The examiner can normally be reached on 8:30 - 6:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (571) 272-4048. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Michael Roswell  
5/18/2005



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